

**RESOLUTION  
NUMBER 2019-9**

**A RESOLUTION OF THE TOWN OF MOFFAT BOARD OF TRUSTEES  
AUTHORIZING RESCINDING OF PRIOR RESOLUTION 2019-8 “A  
RESOLUTION FINDING SUBSTANTIAL COMPLIANCE OF THE POTCH LLC  
ANNEXATION PETITION, FOR THE ANNEXATION OF A TRACT OF LAND  
LOCATED IN TOWNSHIP 43 NORTH, RANGE 10 EAST, NEW MEXICO  
PRINCIPAL MERIDIAN, SAGUACHE COUNTY, COLORADO; AND SETTING  
FORTH DETAILS IN REGARDS THERETO; AND SETTING A DATE FOR A  
PUBLIC HEARING TO CONSIDER ELIGIBILITY OF SAID LAND FOR  
ANNEXATION”**

**WHEREAS**, A meeting of the Town of Moffat Board of Trustees was duly called and held on September 3<sup>rd</sup>, 2019 at 6:30PM at the Moffat Town Hall located at 401 Lincoln Ave, Moffat, CO 81143; and

**WHEREAS**, A quorum of the Board of Trustees was present and at the meeting it was decided, by majority vote, that it is in the best interests of the Town of Moffat that the Resolution of the Moffat Board of Trustees dated August 6<sup>th</sup>, 2019, relating to the following matter:

***A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE OF THE POTCH LLC  
ANNEXATION PETITION, FOR THE ANNEXATION OF A TRACT OF LAND  
LOCATED IN TOWNSHIP 43 NORTH, RANGE 10 EAST, NEW MEXICO  
PRINCIPAL MERIDIAN, SAGUACHE COUNTY, COLORADO; AND SETTING  
FORTH DETAILS IN REGARDS THERETO; AND SETTING A DATE FOR A  
PUBLIC HEARING TO CONSIDER ELIGIBILITY OF SAID LAND FOR  
ANNEXATION***

***WHEREAS***, the owners of 100% of the real property included in an area proposed to be annexed in Saguache County, Colorado (which area is described in exhibit 1 attached hereto and made a part hereof by reference), excluding public streets and alleys and any land owned by the Town of Moffat, have filed a petition for annexation of said area with the Town Clerk of the Town of Moffat, Colorado, requesting the Town to commence proceedings for the annexation of said area; and

***WHEREAS***, having received the petition for annexation, the Town Board is required under the Municipal Annexation Act of 1965, as amended, to determine whether said petition is in substantial compliance with C.R.S. Sections 31-12-107 (1), 31-12-105,

*31-12-104 or such parts thereof, and if so, to follow the procedure set forth in Part 1 of Chapter 31, Article 12, or C.R.S. Sections 31-12-108 through 111;*

***NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF MOFFAT, COLORADO:***

- 1. The Town Board hereby finds that the petition for annexation has been signed by more than 50% of the landowners in the area proposed to be annexed, excluding public streets and alleys and any land owned by the Town of Moffat.*
- 2. The Town Board hereby finds that the petition for annexation is in substantial compliance with the requirements of C.R.S. Section 12-31-107 (1), 31-12-105, 31-12-104, or such parts thereof as amended.*
- 3. The Town Board hereby finds that it has the necessary jurisdiction to proceed with the annexation of said area.*
- 4. The Town Board hereby determines that it shall hold a public hearing to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, C.R.S., as amended, to establish whether or not said area is eligible for annexation under the Municipal annexation act of 1965, said hearing to be held at a special meeting of the Town Board on Monday, September 16<sup>th</sup>, 2019 at 6:30 p.m., which date is not less than 30 nor more than 60 days from the date of this Resolution, in the Town Hall, 401 Lincoln Avenue, Moffat, Colorado.*
- 5. The Town Clerk is hereby directed to give notice of said public hearing in accordance with the provisions of Section 31-12-108 (2), C.R.S., as amended.*
- 6. This resolution shall take effect upon its adoption.*

no longer be in effect.

Therefore, it is

RESOLVED, that the Town of Moffat shall rescind and revoke Resolution 2019-8 dated August 06, 2019, relating to Finding Substantial Compliance, Intent to Annex, Setting a Public Hearing Date, and will effectively cancel the Public Hearing previously set to be Monday, September 16<sup>th</sup>, 2019, at 6:30PM in regards to the Annexation of Potch, LLC.

**REVIEWED, CONSIDERED, APPROVED AND ADOPTED** this 3<sup>rd</sup> day of September, 2019.

Town of Moffat, Colorado

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Patricia Riegel, Mayor

Attest: (SEAL)

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Sarah Van Horn, Town Clerk